

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

IN RE: AQUEOUS FILM-FORMING
FOAMS PRODUCTS LIABILITY
LITIGATION

MDL NO: 2:18-mn-2873-RMG

This filing relates to:

ALL CASES

**STIPULATED ORDER RELATED TO DISCOVERY OF DELOITTE
TRANSACTIONS AND BUSINESS ANALYTICS LLP**

1. **THIS MATTER** is before the Court on the filing of the Joint Motion for Entry of Stipulated Order Related to Discovery of Deloitte Transactions and Business Analytics LLP (Dkt. No. 4871). The Motion seeks the entry of an Order by this Court related to the production of documents and deposition testimony pursuant to subpoenas that the PEC served on Deloitte Transactions and Business Analytics LLP (“Deloitte”) November 5, 2021 and April 18, 2024 (the “Deloitte Subpoenas”).

2. Deloitte provided the PEC with a privilege log concerning documents Deloitte has collected but not produced (the “Logged Documents”) based on EIDP’s assertion of attorney-client privilege, work-product doctrine, and/or other applicable privileges with respect to the requested documents and related testimony.

3. The PEC and EIDP have moved for entry of this Order in order to resolve issues related to the Deloitte Subpoenas (except for future privilege objections and demands for the production of additional documents responsive to the Deloitte Subpoenas other than the Logged Documents).

4. **THEREFORE**, the Court, in its inherent discretion, hereby **ORDERS** as follows:

5. EIDP's objections are overruled with respect to the Logged Documents and deposition testimony relating to the Logged Documents.

6. The fact that EIDP joined the motion for entry of this Order shall not constitute, nor shall it result in, a waiver of EIDP's right to assert, designate, or maintain as privileged the Logged Documents and testimony relating to the Logged Documents, or any other documents or testimony, in any other litigation. Nor shall it constitute, or result in, a waiver of EIDP's right to assert, designate or maintain as privileged any other communications, documents, or testimony in this or any other litigation.

7. Likewise, this Order shall not constitute, nor shall it result in, a waiver of the PEC's right to seek the production of additional documents responsive to the Deloitte Subpoena other than the Logged Documents or propound deposition questions to any Deloitte witness that are not related to the Logged Documents.

8. This order is limited to the Logged Documents and testimony relating to the Logged Documents, and shall have no precedential effect as to any other documents or testimony or beyond this case.

SO ORDERED, this the 24th day of April, 2024.

s/Richard Mark Gergel
Hon. Richard Mark Gergel
United States District Judge